

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	
)	
v.)	CASE No. 08-CR-181
)	
MARIO S. LEVIS)	
_____)	

**DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO FILE, *EX PARTE* AND UNDER SEAL,
A LIST OF POTENTIAL DEFENSE WITNESSES,
OR FOR AN *EX PARTE*, *IN CAMERA* HEARING**

Defendant Mario S. Levis, through counsel, respectfully submits this memorandum of law in support of his motion for an Order permitting him to file, *ex parte* and under seal, a list of potential defense witnesses (and the location of their residence), or for an *ex parte*, *in camera* hearing, in support of his motion to transfer the case to the District of Puerto Rico pursuant to Fed.R.Crim.P. 21(b).

In deciding motions to transfer under Rule 21(b), this suggested *ex parte*, *in camera* procedure has routinely been approved by the courts, including this Court, often with the government’s consent. *See, e.g., United States v. Hamilton*, 1999 WL 349697, *1 (S.D.N.Y. 1999) (Griesa, J.) (parties consented to submitting witness lists *ex parte*); *United States v. Carey*, 152 F.Supp. 2d 415, 422 n.9 (S.D.N.Y. 2001) (Carter, J.) (permitting the defendant to submit a list of witnesses *ex parte*, “recognizing [the defendant’s] concern that revelation of this information at an early stage might compromise the defense). Levis respectfully submits that the Court should follow the same procedure in this case. If the Court grants the motion, Levis is prepared to provide that information shortly thereafter.

Respectfully submitted,

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